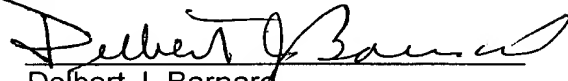




AF/3643  
IFW

PATENT APPLICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 12, 2004.

  
Delbert J. Barnard  
Registration No. 20,515

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Art Unit: 3643  
Examiner: David J. Parsley  
Applicant: David G. Sasuga  
Ser. No.: 09/919,469  
Filed: July 31, 2001  
For: METHOD OF PACKAGING OF EDIBLE  
PLANTS  
Date: November 12, 2004

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

No Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice of Non-compliant Amendment dated October 29, 2004.

Enclosed is a Substitute Amendment After Appeal to replace the non-compliant amendment that was filed on September 24, 2004. The substitute

amendment starts the REMARKS section on a separate page.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 02-0915.

Respectively submitted,

David G. Sasuga

By: 

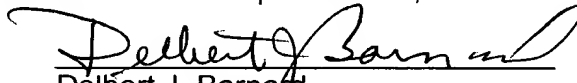
Delbert J. Barnard  
Attorney for Applicant  
Registration No. 20,515  
(206) 381-3100

DJB/kb



PATENT APPLICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 24, 2004.

  
Delbert J. Barnard  
Registration No. 20,515

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Art Unit: 3643  
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Filed: July 31, 2001  
For: METHOD OF PACKAGING OF EDIBLE  
PLANTS  
Date: November 12, 2004

**SUBSTITUTE AMENDMENT AFTER APPEAL**

Mail Stop AF  
No Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated August 24, 2004, relating to the above-identified application, kindly amend the application as follows. In the claims cancel claims 1 – 4, 7, 8, 10, 12, 14 and 15. Rewrite dependent claims 5, 9 and 11 in independent form, as set forth in the List of Claims which follow.



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/919,469

Filing Date July 31, 2001

First Named Inventor David G. Sasuga

Art Unit 3643

Examiner Name David J. Parsley

Attorney Docket Number Sasuga

**ENCLOSURES (Check all that apply)**

|   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form                             | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached                                     | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input checked="" type="checkbox"/> Amendment/Reply                       | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                        | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Terminal Disclaimer                              | Receipt Postcard  |
| <input type="checkbox"/> Information Disclosure Statement                 | <input type="checkbox"/> Request for Refund                               |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> CD, Number of CD(s) _____                        |   |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application    | <input type="checkbox"/> Landscape Table on CD                            |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |
| <b>Remarks</b>  |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |                           |          |        |
|--------------|---------------------------|----------|--------|
| Firm Name    | Barnard, Loop & McCormack |          |        |
| Signature    |                           |          |        |
| Printed name | Delbert J. Barnard        |          |        |
| Date         | November 12, 2004         | Reg. No. | 20,515 |

**CERTIFICATE OF TRANSMISSION/MAILING**

|   |               |      |                   |
|---|---------------|------|-------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |               |      |                   |
| Signature   |               |      |                   |
| Typed or printed name   | Kelly Barnard | Date | November 12, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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